

DRAFT APPENDIX 10 - Equivalent Programs for Runoff Controls for New Development, Redevelopment, and Construction Sites

Proceed to Part 3 for information associated with programs equivalent to Ecology's 2024 Stormwater Management Manual for Western Washington.

Part 1

Ecology determined that the enforceable documents, including codes, ordinances, director's rules, public rules and/or manuals that are listed in Appendix 10 Part 1 combined with the changes that were submitted, and approved in accordance to S5.C.5.b, are functionally equivalent to Appendix I in the *Phase I Municipal Stormwater Permit* (effective August 1, 2019) and the required portions of Ecology's *2019 Stormwater Management Manual for Western Washington*¹. These Programs must be adopted and made effective no later than July 1, 2021. If Ecology's determination of equivalency has special considerations², those considerations are listed below. Permittees must comply with listed considerations, if applicable, in order to achieve equivalency and comply with associated permit requirements. Links to the documents listed in this appendix can be found on Ecology's website.

A. King County

King County is meeting permit requirements S5.C.5.b.i. and S5.C.5.b.ii, and achieves equivalency with Ecology's *2019 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. King County Code Chapter 9.04 and Chapter 9.12 as amended by Ordinance 18257, adopted on March 15, 2016.
2. King County Code Chapter 16.82
3. 2021 Surface Water Design Manual, including appendices and references, effective July 23, 2021.

¹ The documents listed in this section are assumed to be a combination of the programs listed in Appendix 10 part 1, combined with the changes that were submitted in accordance with S5.C.5.b. Ecology only reviewed the changes that were submitted to us for determining equivalency with the Municipal Stormwater Permit purposes. Any changes to the program listed in Appendix 10 part 1 that were not submitted to Ecology were not reviewed, and therefore may not be equivalent.

² These considerations provide additional detail on each of the Phase I local programs and the limitations of applicability for other jurisdictions. Jurisdictions should review these considerations, along with other factors such as their ability to differentiate between what is regionally appropriate, when deciding which program is appropriate to adopt.

Special considerations for other jurisdictions

Other jurisdictions considering adopting King County's *Core Requirement #9: Flow Control BMPS* in King County's *2021 Surface Water Design Manual* will need to ensure they also adopt the bioretention sizing requirements in King County's *Surface Water Design Manual*. This option may only be appropriate in King County.

B. City of Seattle

City of Seattle is meeting permit requirements S5.C.5.b.i. and S5.C.5.b.ii, and achieves equivalency with Ecology's *2019 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Seattle Municipal Code Chapters 22.800 – 22.808 titled, "Stormwater Code" as adopted in May 2021 (Ordinance 126336).
2. Joint Seattle Public Utilities (SPU)/Seattle Department of Construction and Inspections (SDCI) Directors' Rule titled, "Stormwater Manual" (Directors Rule SPU DWW-200/SDCI 10-2021) effective July 1, 2021.

Special considerations for other jurisdictions

Other jurisdictions considering adopting the City of Seattle's Stormwater Manual Section 5.2 On-site Stormwater Management will need to ensure they also adopt the bioretention sizing requirements associated with the requirements in Section 5.2. This option may only be appropriate in the City of Seattle.

Additionally, many of the requirements in the City of Seattle's Stormwater Program apply specifically to highly urbanized areas that have had at least 40% total impervious areas since 1985 (see I-3.4.7 MR7: Flow Control, in the SWMMWW). It may be inappropriate for other jurisdictions to adopt the City of Seattle's program requirements designed to address these areas.

C. City of Tacoma

City of Tacoma is meeting permit requirements S5.C.5.b.i. and S5.C.5.b.ii, and achieves equivalency with Ecology's *2019 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Tacoma Municipal Code Chapter 12.08 Wastewater and Surface Water Management as effective on July 1, 2021.
2. The 2021 Stormwater management Manual, as effective on July 1, 2021.

Special considerations for other jurisdictions

These regulations and rules are only deemed functionally equivalent within the City of Tacoma city limits.

D. Pierce County

Pierce County is meeting permit requirements S5.C.5.b.i. and S5.C.5.b.ii, and achieves equivalency with Ecology's *2019 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Pierce County Code Title 17A, as effective on July 1, 2021.
2. Pierce County Code Title 17B, as effective on July 1, 2021.
3. Pierce County *Stormwater Management Manual* and *Site Development Manual*, as effective July 1, 2021.
4. Pierce County Memorandum "Policy to Buy Into Regional Stormwater Ponds," as effective October 27, 2015.

Special considerations for other jurisdictions

Pierce County completed an infiltration capacity analysis to justify placing Downspout Dispersion at the same list level as bioretention for sites that are underlain by Spanaway soils. The requirements, characteristics and descriptions of Spanaway Soils are defined and discussed in several locations in the approved Pierce County Stormwater Management and Site Development Manual (Pierce County's Manual). Other jurisdictions adopting Pierce County's Manual will need to continue using the same information should they choose to adopt the Pierce County Manual.

Downspout Dispersion being placed at the same level as bioretention is not approved for any other soil.

E. Clark County

Clark County is meeting permit requirements S5.C.5.b.i. and S5.C.5.b.ii, and achieves equivalency with Ecology's *2019 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

Clark County Stormwater Manual references a Clark County-specific calibration of the 2012 Western Washington Hydrogeology Model (WWHM2012). Version 4.2.12 of WWHM2012 introduced this calibration in the Clark2012SG mapping unit.

1. The Clark County Stormwater Manual 2021 and amendments to Clark County Code Chapters 13.26A Water Quality and 40.386 Stormwater and Erosion Control as adopted June 1, 2021 (Ordinance 2021-06-02), effective July 1, 2021.

Special considerations for other jurisdictions

The Clark2012SG is not approved by Ecology for use outside of Clark County. Other jurisdictions outside of Clark County must continue using the standard WWHM2012 or another approved continuous runoff model, even if they choose to adopt this manual.

Other jurisdictions within Clark County may use the Clark2012SG in conjunction with other approved stormwater manuals and are not constrained to using solely Clark County's Stormwater Manual simply because they choose to use the Clark2012SG.

F. Snohomish County

Snohomish County is meeting permit requirements S5.C.5.b.i. and S5.C.5.b.ii, and achieves equivalency with Ecology's *2019 Stormwater Management Manual for Western Washington* by adopting and implementing the regulations and rules listed below.

1. Snohomish County Code Chapter 30.63A, as amended by Amended Ordinance No. 21-025, adopted on June 16, 2021.
2. Snohomish County Code Chapter 30.63B, as amended by Amended Ordinance No. 21-025, adopted on June 16, 2021.
3. *The 2021 Snohomish County Drainage Manual*, as adopted on June 28, 2021.
4. *Snohomish County Engineering Design and Development Standards*, as adopted January 22, 2016, Chapters 1, 5, and 11.

G. WSDOT Highway Runoff Manual

The Department of Ecology completed its review of the *2019 Washington State Department of Transportation Highway Runoff Manual* (2019 HRM) and found that it meets design requirements and best management practices for public road projects, equivalent to Ecology's *2019 Stormwater Management Manual for Western Washington* and *2019 Stormwater Management Manual for Eastern Washington*.

Ecology has determined the HRM to be equivalent to both of Ecology's Western and Eastern Stormwater Management Manuals for minimum design requirements and best management practices for public road projects. Permittees may adopt and employ these design requirements and best management practices (only) for use for public road projects within their jurisdictions. It should be noted that there are some different thresholds, additional provisions (or exemptions) in the HRM that apply only to Washington State Department of Transportation and are not appropriate for local governments to follow and implement.

Part 2

The 2019 Stormwater Management Manual for Western Washington has been updated to the 2024 Stormwater Management Manual for Western Washington (2024SWMMWW).

Enforceable documents (including codes, ordinances, director's rules, public rules and/or manuals) must be updated and/or amended to incorporate the following **significant changes** made to applicable portions of the Western Washington Phase I Municipal Stormwater Permit (effective August 1, 2024) and the 2024 SWMMWW.

Significant Changes

1. **New Development and Redevelopment Project Thresholds:** The thresholds for applying the Minimum Requirements to new development and redevelopment projects have been updated in the SWMMWW. The threshold updates are at both the "Project Level" and the "TDA Level".

- Project Level - Redevelopment Thresholds / Road Related Projects

The updated threshold for road related projects states that all Minimum Requirements apply to the new and replaced hard surfaces and converted vegetation areas if the project adds 5,000 square feet of new plus replaced hard surfaces AND the new plus replaced hard surfaces total 50% or more of the existing hard surfaces on the Site (underline shows the new language).

- Project Level - Redevelopment Thresholds / Commercial or Industrial Projects

The updates include a new threshold for commercial or industrial Sites. The new threshold states that all Minimum Requirements apply to the new and replaced hard surfaces and converted vegetation areas if the new plus replaced hard surfaces total 50% or more of the existing hard surfaces within the Site.

- TDA Level - Minimum Requirement 6 (Runoff Treatment)

The updated TDA threshold within Minimum Requirement 6 states that Runoff Treatment BMPs must be provided for TDAs that have a total of 2,000 square feet or more of pollution-generating hard surface (PGHS). The previous version of this threshold referred to 5,000 square feet of PGHS.

See I-3.3 Applicability of the Minimum Requirements and I-3.4.6 MR6: Runoff Treatment in the 2024 SWMMWW.

2. **Pavement Maintenance Project and Underground Utility Project Exemptions:** The text describing the exemptions for Pavement Maintenance Projects and Underground Utility Projects has been updated in the SWMMWW to ensure project scope does not exceed the intention of these limited exemptions.

The updated text clarifies that the exemptions may only be used if the only purpose of the project is for pavement maintenance or underground utility work (depending on the exemption). The entire project must be for the sole purpose of maintaining pavement area or installing or maintaining an underground utility. Redevelopment work or changing the characteristic of the roadway are not considered pavement maintenance, and do not qualify for the pavement maintenance exemption. Underground utility work that is part of a new or redevelopment project that also includes other disturbed areas does not qualify for the underground utility project exemption.

See I-3.2 Exemptions in the 2024 SWMMWW.

3. **Wetland Hydroperiod Protection Method 2:** The hydroperiod protection requirements for Criteria 2 in Method 2 have been updated in the SWMMWW. The updates include an increase from 15% to 20% allowable monthly discharge volume deviations during October, November, and December, and an “allowable exception” for summer months.

See I-C.4 Wetland Hydroperiod Protection in the 2024 SWMMWW.

4. **Light Rail Tracks:** The SWMMWW has been updated to identify Light Rail tracks (both elevated and non-elevated) as a pollution generating impervious surface. Light Rail tracks are also identified as a site type that requires metals treatment.

See the Glossary and III-1.2 Choosing Your Runoff Treatment BMPs in the 2024 SWMMWW.

5. **Source Control BMPs - PCB Edits:** The following Source Control BMPs in the SWMMWW have been updated to include guidance for preventing pollution from PCBs in building materials:

- S424 BMPs for Roof / Building Drains at Manufacturing and Commercial Buildings
- S431 BMPs for Washing and Steam Cleaning Vehicles / Equipment / Building Structures
- S438 BMPs for Construction Demolition
- S451 BMPs for Building Repair, Remodeling, Painting, and Construction)

6. **Bioretention:** The guidance within the BMP T7.30: Bioretention has been updated in the SWMMWW to include the option to use the High Performance Bioretention Soil Mix (HPBSM). The design guidance was also updated to clarify the design infiltration rate to use for all three bioretention soil mix options.

Submittal Format

The submittal described in S.5.C.5.b.iii(a) shall follow the format of Table 10.1. Ecology has provided example text to illustrate how to properly fill in the table. Also submit redlines of manual text that correspond to changes described in the table.

Table 10.1: Enforceable Document Updates to Match Ecology's Significant Changes

Significant Change Being Addressed	Enforceable Document Being Updated	Section Within the Enforceable Document Being Updated	Text as Written in the 2019 Functionally Equivalent Enforceable Document	Proposed Text to Gain 2024 Functional Equivalency
. Light Rail Tracks	County A's Stormwater Design Manual	Glossary, Vehicular Use (note that the definition of PGIS refers to "vehicular use"	<p>Vehicular Use: Regular use of an impervious or pervious surface by motor vehicles. The following are subject to regular vehicular use:</p> <ul style="list-style-type: none"> roads, un-vegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unrestricted access fire lanes, vehicular equipment storage yards, and airport runways. <p>The following are not considered subject to regular vehicular use:</p> <ul style="list-style-type: none"> sidewalks not subject to drainage from roads for motor vehicles, 	<p><u>Vehicular use</u> Regular use of an impervious or pervious surface by motor vehicles. The following are subject to regular vehicular use:</p> <ul style="list-style-type: none"> roads, un-vegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unrestricted access fire lanes, vehicular equipment storage yards, light rail elevated and non-elevated guideways/tracks, and airport runways. <p>The following are not considered subject to regular vehicular use:</p> <ul style="list-style-type: none"> sidewalks not subject to drainage from roads for motor vehicles,

Significant Change Being Addressed	Enforceable Document Being Updated	Section Within the Enforceable Document Being Updated	Text as Written in the 2019 Functionally Equivalent Enforceable Document	Proposed Text to Gain 2024 Functional Equivalency
			<ul style="list-style-type: none"> • paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, • restricted access fire lanes, and • infrequently used maintenance access roads., 	<ul style="list-style-type: none"> • paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, • restricted access fire lanes, and • infrequently used maintenance access roads.

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If the Permittee proposes a significant update to their program that is not captured in the required changes identified by Ecology above (e.g. a new proposed, or revised, BMP), then the Permittee shall submit those changes using the format described in Table 10.2 (below). A rationale must be included to demonstrate that the proposal meets AKART and MEP. The amount of detail required will depend on the type of update being proposed, but all proposed updates must include rationale. Incomplete submittals will not be reviewed.

Table 10.2: Enforceable Document Updates Beyond Ecology's List of Significant Changes

Brief Description of the Change	Rationale for the Change (attach supporting documents if necessary)	Enforceable Document Being Updated	Section Within the Enforceable Document Being Updated	Text as Written in the 2014 Functionally Equivalent Enforceable Document	Proposed Text for Ecology Review and Approval

Part 3

Ecology determined that the following enforceable documents, including codes, ordinances, director's rules, public rules and/or manuals, are functionally equivalent to Appendix I in the *Phase I Municipal Stormwater Permit* (effective August 1, 2024) and the required portions of Ecology's 2024 *Stormwater Management Manual for Western Washington*. These Programs must be adopted and made effective no later than July 1, 2026. If Ecology's determination of equivalency is conditioned, the conditions are listed below. Permittees must comply with listed conditions, if applicable, in order to achieve equivalency and comply with associated permit requirements. Links to the documents listed in this appendix can be found on Ecology's website.

[This section intentionally left blank. There are no equivalency determinations under Part 3 at this time. If Ecology takes longer than 180 days to provide a written response to material presented by the permittees, the required deadline for adoption and effective date will be extended by the number of calendar days that Ecology exceeds a 180-day period for written response.]